

## REMARKS

This Response is submitted in reply to the Office Action dated February 21, 2008 in conjunction with the enclosed Request for Continued Examination. Applicant has amended claims 23, 29, 35, 41, 45, 50, 54, 58 and 62. No new matter has been added by such amendments. Please charge Deposit Account No. 02-1818 for all payments due in connection with this Response.

As noted above, Applicant has filed a Request for Continued Examination with this Response. Accordingly, Applicant requests that the Examiner provide an upcoming Office Action which will ". . . identify any claims which he or she judges, as presently recited, to be allowable and/or . . . suggest any way in which he or she considers that rejected claims may be amended to make them allowable" in accordance with §707.07(d) of the MPEP.

### **Claim Rejections – 35 U.S.C. § 103**

The Office Action rejected claims 23, 27, 29-30, 33, 35-36, 38, 40-42, 45-46 and 48 under 35 U.S.C. 103(a) as unpatentable over U.S. Patent No. 6,439,993 to O'Halloran ("O'Halloran") in view of U.S. Patent No. 5,332,228 to Schultz ("Schultz"). The Office Action rejected claims 24-26, 28, 31-32, 34, 37, 39, 43-44, 47 and 49 under 35 U.S.C. 103(a) as being unpatentable over O'Halloran in view of Schultz in further view of Applicant Admitted Prior Art. The Office Action rejected claims 50-51, 54-56 and 58-65 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,251,013 to Bennett ("Bennett") in view of O'Halloran in further view of Schultz. The Office Action rejected claims 52-53 and 57 under 35 U.S.C. 103(a) as being unpatentable over Bennett in view of O'Halloran in further view of Schultz in further view of Applicant Admitted Prior Art. Applicant respectfully disagrees with such rejections. All of such rejections rely upon O'Halloran. Applicant respectfully disagrees with the Examiner's interpretation of O'Halloran as set forth in the Response to Office Action dated April 12, 2005. Nevertheless, to expedite prosecution, Applicant has amended claims 23, 29, 35, 41, 45, 50, 54, 58 and 62.

### **Amendments**

Amended independent claims 23 and 29 each recite, "(c) receive an additional input signal from the input device, the additional input signal corresponding to a selection of at least one of the locations of the reels resulting in at least one non-selected location; (d) display a first spin of the reels resulting in a display of a plurality of the symbols at a plurality of the locations; (e) determine whether the triggering event occurs; (f) in response to an occurrence of the triggering event, visually distinguish at least one of the locations; (g) display a second spin of the reels resulting in a display of . . . symbols at a plurality of the locations; (h) if the at least one visually distinguished location is the at least one non-selected location, determine if any of the winning conditions are present without taking into account the wild function; (i) if the at least one visually distinguished location is the at least one selected location: (x) cause any of the symbols displayed at the at least one visually distinguished location to have the wild function; and (y) determine if any of the winning conditions are present, taking into account any wild function of any of the symbols displayed at the at least one visually distinguished location . . . ." The combination of O'Halloran and Schultz does not disclose the second spin element in combination with other elements recited in such claims.

Amended independent claim 35 now recites, "(c) receive an additional input signal from the input device, the additional input signal corresponding to a selection of at least one of the locations of the reels resulting in at least one non-selected location; (d) display a first spin of the reels resulting in a display of the first and second combinations of symbols (e) determine whether a designated event occurs; (f) in response to an occurrence of the designated event: (i) assign at least one of the characteristics to at least one of the symbols in the first combination after said symbol is displayed at the at least one selected location, said symbol being positioned on a first one of the pay lines, wherein the assigned characteristic: (x) is different from the characteristic of said symbol; (y) includes the characteristic of at least one of the other symbols; and (z) excludes the characteristic of one or more of the symbols in the

second combination, said one or more symbols being positioned along a second one of the pay lines; and (ii) visually distinguish at least one of the locations; (g) display a second spin of the reels resulting in a display of the first and second combinations of symbols; (h) if the at least one visually distinguished location is the at least one non-selected location, determine if any of the winning conditions are present without taking into account the wild function; (i) if the at least one visually distinguished location is the at least one selected location: (x) cause any of the symbols displayed at the at least one visually distinguished location to have the wild function; and (y) determine if any of the winning conditions are present, taking into account any wild function of any of the symbols displayed at the at least one visually distinguished location . . . ." The combination of O'Halloran and Schultz does not disclose the second spin element in combination with other elements recited in such claim.

Amended independent claim 41 now recites, "(c) receiving an additional input signal from the input device, the additional input signal corresponding to a selection of at least one of the locations of the reels resulting in at least one non-selected location; (d) displaying a first spin of a plurality of the reels, the first spin resulting in a display of the first group and the second group of symbols at a plurality of the locations; (e) displaying the first and second groups of symbols after the reels stop spinning, wherein: (i) the first and second groups of symbols are positioned along a plurality of different pay lines; and (ii) the selection occurs separate from a selection, if any, of any of the pay lines; (f) after a designated event occurs: (i) applying a wild function to at least a first one of the symbols in the first group after said symbol is displayed at the at least one selected location, the first symbol being positioned on a first one of the pay lines, wherein the wild function is: (x) operable on at least one of the other symbols of a different type than the first symbol, the other symbol being within the first or second group, and (y) inoperable on one or more of the symbols in the second group, said one or more symbols being positioned along a second one of the pay lines; and (ii) visually distinguishing at least one of the locations; (g) displaying a second spin of the plurality of reels resulting in a display of the first group and the second group of symbols at a plurality of the locations; (h) determining if any of the winning conditions are present

without taking into account the wild function if the at least one visually distinguished location is the at least one non-selected location; (i) if the at least one visually distinguished location is the at least one selected location: (x) causing any of the symbols displayed at the at least one visually distinguished location to have the wild function; and (y) determining if any of the winning conditions are present, taking into account any wild function of any of the symbols displayed at the at least one visually distinguished location . . . ." The combination of O'Halloran and Schultz does not disclose the second spin element in combination with other elements recited in such claim.

Amended independent claim 45 now recites, "(b) displaying a plurality of reels wherein each of the reels: (i) defines a plurality of locations for a plurality of symbols; and (ii) displays a plurality of the symbols, the symbols being combinable to form a first combination of symbols and a second combination of symbols, the first combination being different from the second combination, wherein the plurality of different combinations are each associated with a plurality of winning conditions, wherein each one of the winning conditions are associated with an award; (c) receiving an additional input signal from the input device, the additional input signal corresponding to a selection of at least one of the locations of the reels resulting in at least one non-selected location, the at least one selection occurring separate from a selection, if any, of any of the pay lines; (d) displaying a first spin of a plurality of the reels resulting in a display of the first and second combinations of symbols, wherein: (i) each of a plurality of symbols of the reels has at least one characteristic; (ii) a plurality of the characteristics are different from one another; and (iii) the first and second combinations of symbols are positioned along a plurality of different pay lines; and (e) after a designated event occurs: (i) assigning at least one of the characteristics to at least one of the symbols in the first combination after said symbol is displayed at the at least one selected location, said symbol being positioned on a first one of the pay lines, wherein the assigned characteristic: (x) is different from the characteristic of said symbol; (y) includes the characteristic of at least one of the other symbols; and (z) excludes the characteristic of one or more of the symbols in the second combination, said one or more symbols being

positioned along a second one of the pay lines; and (ii) visually distinguishing at least one of the locations; (f) displaying a second spin of the plurality of reels resulting in a display of the first and second combinations of symbols a plurality of the symbols at a plurality of the locations; (g) determining if any of the winning conditions are present without taking into account the wild function if the at least one visually distinguished location is the at least one non-selected location; (h) if the at least one visually distinguished location is the at least one selected location: (x) causing any of the symbols displayed at the at least one visually distinguished location to have the wild function; and (y) determining if any of the winning conditions are present, taking into account any wild function of any of the symbols displayed at the at least one visually distinguished location . . . ." The combination of O'Halloran and Schultz does not disclose the second spin element in combination with other elements recited in such claim.

Amended independent claim 50 now recites, "(c) receive an additional input signal from the input device, the additional input signal corresponding to a selection of at least one of the locations of the reels resulting in at least one non-selected location; (d) display a first spin of the reels resulting in a display of the combinations of symbols at a plurality of the locations; (e) determine whether the designated event occurs; and (f) in response to an occurrence of the designated event: (i) cause the display device to visually distinguish said at least one selected location; (ii) cause any of the symbols displayed at said at least one selected location to have a wild function, the wild function being: (x) operable on a first one or more of the symbols in the displayed combination, (y) inoperable on one or more of the other symbols, and (z) operable to increase a likelihood of meeting the winning condition; and (g) display a second spin of the reels resulting in a display of a plurality of the symbols at a plurality of the locations; (h) if the at least one visually distinguished location is the at least one non-selected location, determine if any of the winning conditions are present without taking into account the wild function; (i) if the at least one visually distinguished location is the at least one selected location: (x) cause any of the symbols displayed at the at least one visually distinguished location to have the wild function; and (y) determine if any of the winning

conditions are present, taking into account any wild function of any of the symbols displayed at the at least one visually distinguished location." The combination of O'Halloran, Schultz and Bennett does not disclose the second spin element in combination with other elements recited in such claim.

Amended independent claim 54 now recites, "(c) receive an additional input signal from the input device, the additional input signal corresponding to a selection of at least one of the locations of the reels resulting in at least one non-selected location; (d) display a first spin of the reels resulting in a display of the combinations of symbols at a plurality of the locations; (e) determine whether a designated event occurs; (f) in response to an occurrence of the designated event: (i) assign at least one of the characteristics to at least a first one of the symbols in the displayed combination after said symbol is displayed at the at least one selected location, wherein the assigned characteristic: (x) is different from the characteristic of the first symbol, (y) is identical to the characteristic of at least a second one of the symbols, and (z) excludes the characteristic of at least a third one of the symbols; and (ii) visually distinguish at least one of the locations; (g) display a second spin of the reels resulting in a display of the combinations of symbols at a plurality of the locations; (h) if the at least one visually distinguished location is the at least one non-selected location, determine if any of the winning conditions are present without taking into account the assigned characteristic; (i) if the at least one visually distinguished location is the at least one selected location: (x) cause any of the symbols displayed at the at least one visually distinguished location to have the assigned characteristic; and (y) determine if any of the winning conditions are present, taking into account any assigned characteristic of any of the symbols displayed at the at least one visually distinguished location . . . ." The combination of O'Halloran, Schultz and Bennett does not disclose the second spin element in combination with other elements recited in such claim.

Amended independent claim 58 now recites, "(c) receive an additional input signal from the input device, the additional input signal corresponding to a selection of at least one of the locations of the reels resulting in at least one non-selected location; (d) display a first spin of the reels resulting in a display of a plurality of the symbols at a

plurality of the locations; (e) determine whether a triggering event occurs; (f) in response to an occurrence of the triggering event, visually distinguish at least one of the locations; (g) if the at least one visually distinguished location is the at least one non-selected location, determine if any of the winning conditions are present without taking into account a wild function; (h) if the at least one visually distinguished location is the at least one selected location: (i) treat said visually distinguished location as wild, (ii) determine whether the winning combination occurs based on the wild treatment of said location." The combination of O'Halloran, Schultz and Bennett does not disclose the second spin element in combination with other elements recited in such claim.

Amended independent claim 62 now recites, "(c) receive an additional input signal from the input device, the additional input signal corresponding to a selection of at least one of the locations of the reels resulting in at least one non-selected location; (d) display a first spin of the reels resulting in a display of a plurality of the symbols at a plurality of the locations; (e) determining whether the triggering event occurs; (f) in response to an occurrence of the triggering event, visually distinguish at least one of the locations; (g) if the at least one visually distinguished location is the at least one non-selected location, determine if any of the winning conditions are present without taking into account a wild function; (h) if the at least one visually distinguished location is the at least one selected location: (i) treat said location as wild, (ii) determine whether the winning combination occurs based on the wild treatment of said location." The combination of O'Halloran, Schultz and Bennett does not disclose the second spin element in combination with other elements recited in such claim.

Support for these amendments can be found in the Specification, for example, as follows:

A method of playing a video wagering game according to the present invention comprises a player placing a wager on a reel-type video wagering game; displaying a set of randomly selected game symbols on a display area within areas that indicate frames or positions on a reel-type video wagering game; upon the occurrence of a predetermined event, randomly selecting and/or identifying one or more frames or positions as a wild position . . . (Specification, Page 11, Lines 5-10).

It is possible that the wild card would be effective only in a position selected by the player at the beginning of a game. The player may be allowed to choose the triggering frame at the beginning of the game, before any symbols have been displayed . . . . (Specification, Page 17, Lines 12-14).

In this example, the bonus triggering event is the appearance of a BIG DOG on reels one and five, each BIG DOG functions as a wild symbol in the base game as well as in the bonus round. If for example the random number generator selects five additional positions as wild positions, for that given round of bonus play, the game is scored using the original two BIG DOG wild symbols that carried forward into the bonus round, plus five additional BIG DOGS that appeared in the selected wild positions . . . . The award of random numbers of random positions of wild symbols may also be carried into play of a regular spin, with or without play of a bonus round as described herein. (Specification, Page 19, Lines 15-26).

For the foregoing reasons, Applicant submits that all of the claims are in condition for allowance.

An earnest endeavor has been made to place this application in condition for formal allowance and is courteously solicited. If the Examiner has any questions regarding this Response, Applicant respectfully requests that the Examiner contact the undersigned.

Respectfully submitted,

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